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exercise sound judicial discretion in determining whether the judgment should be entered.” 10A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure: Civ.3d § 2685 (1998). “This element of discretion makes it clear that the party making the request is not entitled to a default judgment as of right.” *Id.* The court should deny a motion for default judgment when the complaint fails to state a claim upon which relief can be granted. *Lee v. United Serv. Assocs., Inc.*, No. 4:07-cv-57, 2007 WL 2788459 at * 1 (E.D. Tenn. Sept. 24, 2007) (citing *Bailey v. Harrison*, 107 F.3d 870 (6th Cir. 1997)). In matters where default judgment is sought against some, but not all, defendants, Rule 54(b) is also implicated. Under its terms, “when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b).

The Court finds Plaintiff has established a claim against Defendant Bartell based on his failure to pay the promissory note and has established that it is entitled to damages in the amount of \$119,038.29 as of April 12, 2024, plus interest of \$2,367.17 (\$20.58412 per diem from April 12, 2024, through the date of final judgment). Because the claims against Defendant AIG for alleged failure to pay the deficiency under the assigned life insurance policy, while related, are distinct from those against Defendant Bartell, and because Defendant AIG does not object, the Court finds no just reason for delay of entry of final judgment as to Defendant Bartell. Accordingly, Plaintiff’s Motion for Default Judgment Against Ronald E. Bartell, Jr. (Doc. No. 24) is **GRANTED**.

Final Judgment shall enter by separate Order.


WILLIAM L. CAMPBELL, JR.
CHIEF UNITED STATES DISTRICT JUDGE